

110TH CONGRESS  
1ST SESSION

# S. 1749

To amend the Federal Rules of Criminal Procedure to provide adequate protection to the rights of crime victims, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2007

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Federal Rules of Criminal Procedure to provide adequate protection to the rights of crime victims, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; SENSE OF CONGRESS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5 “Crime Victims’ Rights Rules Act of 2007”.

6       (b) SENSE OF CONGRESS CONCERNING CRIME VIC-  
7 TIMS’ REPRESENTATION IN THE FEDERAL CRIMINAL  
8 JUSTICE SYSTEM.—

9           (1) FINDINGS.—Congress finds that—

6 (B) the rights and standing afforded to  
7 crime victims by those amendments are directly  
8 affected by the Rules of Criminal Procedure,  
9 which govern the administration of the Federal  
10 criminal justice system.

11 (C) the Judicial Conference of the United  
12 States, as the principal body concerned with the  
13 administration of United States courts and the  
14 recommendation of rules of procedure, has an  
15 obligation to ensure that the rights and stand-  
16 ing of crime victims are accounted for in the  
17 Federal criminal justice system.

1 and standing of crime victims are accounted for in  
2 the Federal criminal justice system.

3 **SEC. 2. DEFINITIONS.**

4 Rule 1(b) of the Federal Rules of Criminal Procedure  
5 is amended by adding at the end the following:

6 “(11) ‘Victim’ means a person directly and  
7 proximately harmed as a result of the commission of  
8 a Federal offense or an offense in the District of Co-  
9 lumbia. In the case of a crime victim who is under  
10 18 years of age, incompetent, incapacitated, or de-  
11 ceased, the legal guardian of the crime victim or the  
12 representative of the crime victim’s estate, family  
13 member, or any other person appointed as suitable  
14 by the court, may assume the crime victim’s rights  
15 under these rules, but in no event shall the defen-  
16 dant be named as such guardian or representative.”.

17 **SEC. 3. INTERPRETATION.**

18 Rule 2 of the Federal Rules of Criminal Procedure  
19 is amended by inserting after “administration” the fol-  
20 lowing: “to the government, the defendant, and the vic-  
21 tim”.

22 **SEC. 4. ARREST WARRANT OR SUMMONS ON A COMPLAINT.**

23 Rule 4 of the Federal Rules of Criminal Procedure  
24 is amended—

5 (2) in subdivision (c), by adding at the end the  
6 following:

7                     “(5) REASONABLE NOTICE TO THE VICTIM.—  
8                     Upon return of an executed warrant, the judge be-  
9                     fore whom the defendant is brought shall direct that  
10                    reasonable efforts be made to notify the victim re-  
11                    garding the arrest and of the date, time, and place  
12                    of the initial appearance and of the right of the vic-  
13                    tim to be heard at the initial appearance.”.

## 14 SEC. 5. INITIAL APPEARANCE.

15        Rule 5 of the Federal Rules of Criminal Procedure  
16 is amended—

17 (1) in subdivision (a)—

18 (A) by redesignating paragraph (3) as  
19 paragraph (4); and

20 (B) by inserting after paragraph (2) the  
21 following:

22                   “(3) REASONABLE NOTICE TO THE VICTIM.—  
23                   Reasonable efforts shall be made to give notice to  
24                   the victim of the date, time, and place of the initial

1 appearance and of the right of the victim to be  
2 heard at the initial appearance.”;

3 (2) in subdivision (d)(3), by adding after the  
4 period at the end the following: “In making the deci-  
5 sion to detain or release the defendant, the judge  
6 shall consider the right of the victim to be reason-  
7 ably protected from the defendant and shall make  
8 reasonable efforts to notify the victim if the defend-  
9 ant is released and the conditions of such release.”;

10 and

11 (3) in subdivision (f), by inserting before the  
12 period at the end the following: “and reasonable ef-  
13 forts are made to give the victim notice and the  
14 right to participate”.

15 **SEC. 6. PRELIMINARY HEARING.**

16 Rule 5.1 of the Federal Rules of Criminal Procedure  
17 is amended—

18 (1) in subdivision (a), in the matter preceding  
19 paragraph (1), by inserting after “a preliminary  
20 hearing” the following: “, after making reasonable  
21 efforts to give notice to the victim,”; and

22 (2) in subdivision (d), by inserting after  
23 “prompt disposition of criminal cases” the following:  
24 “and the right of the victim to proceedings free from  
25 unreasonable delay”.

1 **SEC. 7. ARREST WARRANT OR SUMMONS ON AN INDICT-  
2 MENT OR INFORMATION.**

3 Rule 9(c)(3) of the Federal Rules of Criminal Proce-  
4 dure is amended by inserting before the period at the end  
5 the following: “, after making reasonable efforts to give  
6 notice to the victim”.

7 **SEC. 8. REASONABLE NOTICE TO VICTIMS.**

8 (a) **IN GENERAL.**—The Federal Rules of Criminal  
9 Procedure are amended by inserting after Rule 10 the fol-  
10 lowing:

11 **“Rule 10.1. Reasonable Notice to Victims**

12 “(a) **IDENTIFICATION OF VICTIMS.**—During the  
13 prosecution of a case, the attorney for the government  
14 shall at the earliest reasonable opportunity, identify any  
15 victim.

16 “(b) **REASONABLE NOTICE OF CASE EVENTS.**—Dur-  
17 ing the prosecution of a crime, and whenever reasonable  
18 notice is required to be provided under these rules, reason-  
19 able efforts shall be made to provide any victim the earliest  
20 possible notice of—

21 “(1) the scheduling, including scheduling  
22 changes or continuances, of each court proceeding  
23 that the victim is either required to attend or enti-  
24 tled to attend;

25 “(2) the release or detention status of a defend-  
26 ant or suspected offender;

1               “(3) the filing of charges against a defendant,  
2       or the proposed dismissal of any charges, including  
3       the placement of the defendant in a pretrial diver-  
4       sion program and the conditions of such placement;

5               “(4) the right of the victim to make a state-  
6       ment about pretrial release of the defendant;

7               “(5) the right of the victim to make a state-  
8       ment about acceptance of a plea of guilty or nolo  
9       contendere;

10               “(6) the right of the victim to attend a public  
11       proceeding;

12               “(7) if the defendant is convicted, the date and  
13       place set for sentencing and the right of the victim  
14       to address the court at sentencing; and

15               “(8) after the defendant is sentenced, the sen-  
16       tence imposed and the availability of the Bureau of  
17       Prisons notification program, which provides the  
18       date, if any, on which the offender will be eligible for  
19       parole or supervised release.

20               “(c) MULTIPLE VICTIMS.—The attorney for the gov-  
21       ernment shall advise the court if the attorney believes that  
22       the number of victims makes it impracticable to provide  
23       reasonable personal notice to each victim. If the court  
24       finds that the number of victims makes it impracticable  
25       to give reasonable personal notice to each victim, the court

1 shall fashion a reasonable procedure calculated to give rea-  
2 sonable notice under the circumstances.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents for the Federal Rules of Criminal Procedure is  
5 amended by inserting after the item relating to Rule 10  
6 the following:

“10.1 Reasonable Notice to Victims.”.

7 **SEC. 9. PLEAS.**

8 Rule 11 of the Federal Rules of Criminal Procedure  
9 is amended—

10 (1) in subdivision (a)(3), by striking “the par-  
11 ties’ views” and inserting the following: “the views  
12 of the parties and victims”;

13 (2) in subdivision (b), by adding at the end the  
14 following:

15 “(4) VICTIM’S VIEWS.—Before the court ac-  
16 cepts a plea of guilty or nolo contendere or allows  
17 any plea to be withdrawn, the court must address  
18 any victim who is present personally in open court.  
19 During this address, the court must determine  
20 whether the victim wishes to present views regarding  
21 the proposed plea or withdrawal and, if so, what  
22 those views are. The court shall consider the views  
23 of the victim in acting on the proposed plea or with-  
24 drawal.”; and

25 (3) in subdivision (c)—

## 14 SEC. 10. PLEADINGS AND PRETRIAL MOTIONS.

15 Rule 12(g) of the Federal Rules of Criminal Pro-  
16 dure is amended by adding at the end the following: “The  
17 court shall make reasonable efforts to notify the victim  
18 if the defendant is released under this subdivision.”.

## 19 SEC. 11. DISCLOSURES.

20 (a) ALIBI DEFENSE.—

(B) by inserting after “each witness” the following: “and the address and telephone number of each witness (other than a victim) that”.

10 (B) by inserting before "if:" the following:  
11 "other than a victim".

12 (b) PUBLIC AUTHORITY DEFENSE.—

13 (1) IN GENERAL.—Rule 12.3(a)(4)(C) of the  
14 Federal Rules of Criminal Procedure is amended—

15 (A) by striking “, address, and telephone  
16 number”; and

17 (B) by inserting after “each witness” the  
18 following: “, and the address and telephone  
19 number of each witness (other than a victim),  
20 that”.

21 (2) CONTINUING DUTY TO DISCLOSE.—Rule  
22 12.3(b) of the Federal Rules of Criminal Procedure  
23 is amended—

## 6 SEC. 12. DEPOSITIONS.

7        Rule 15 of the Federal Rules of Criminal Procedure  
8 is amended—

12 (2) by adding at the end the following:

13        "(i) VICTIM ATTENDANCE.—A victim may attend any  
14 public deposition taken under this Rule.”.

## 15 SEC. 13. DISCOVERY AND INSPECTION.

16 Rule 16(a) of the Federal Rules of Criminal Pro-  
17 dure is amended by adding at the end the following:

18                   “(4) DISCLOSURE TO VICTIMS.—The govern-  
19                   ment may disclose to a victim any information that  
20                   the government has disclosed to the defendant.”.

21 SEC. 14. SUBPOENAS.

22 Rule 17(h) of the Federal Rules of Criminal Pro-  
23 dure is amended—

24 (1) by striking "No party" and inserting the  
25 following:

1           “(1) IN GENERAL.—No party”; and

2           (2) by adding at the end the following:

3           “(2) VICTIMS.—No record or document con-  
4           taining personal or confidential information about a  
5           victim may be subpoenaed without making reason-  
6           able efforts to give notice to the victim, given  
7           through the attorney for the government or for the  
8           victim, and an opportunity to be heard.”.

9 **SEC. 15. PRETRIAL CONFERENCE.**

10          Rule 17.1 of the Federal Rules of Criminal Procedure  
11          is amended by adding at the end the following: “The court  
12          shall make reasonable efforts to give the victim notice of  
13          any pretrial conference and a victim may attend and be  
14          heard on any matter relating to the rights of a victim.”.

15 **SEC. 16. VENUE.**

16          (a) IN GENERAL.—The second sentence of Rule 18  
17          of the Federal Rules of Criminal Procedure is amended  
18          by inserting after “the defendant” the following: “, the  
19          victim.”.

20          (b) PLEA AND SENTENCE.—Rule 20(a)(2) of the  
21          Federal Rules of Criminal Procedure is amended by in-  
22          serting before the period at the end the following: “, after  
23          consultation with the victim”.

24          (c) JUVENILES.—Rule 20(d)(1)(E) of the Federal  
25          Rules of Criminal Procedure is amended by inserting be-

1 fore the semicolon the following: “, after consultation with  
2 the victim”.

3 (d) TRANSFER FOR TRIAL.—Rule 21 of the Federal  
4 Rules of Criminal Procedure is amended by adding at the  
5 end the following:

6 “(e) VICTIMS’ VIEWS.—The court shall not transfer  
7 any proceeding without giving any victim an opportunity  
8 to be heard. The court shall consider the views of the vic-  
9 tim in making any transfer decision.”.

10 **SEC. 17. TRIAL.**

11 Rule 23(a)(3) of the Federal Rules of Criminal Pro-  
12 cedure is amended by inserting before the period at the  
13 end the following: “, after considering the views of the vic-  
14 tim”.

15 **SEC. 18. INTERPRETERS.**

16 Rule 28 of the Federal Rules of Criminal Procedure  
17 is amended in the first sentence, by inserting before the  
18 period at the end the following: “, including an interpreter  
19 for the victim”.

20 **SEC. 19. POST CONVICTION PROCEDURES.**

21 (a) PRESENTENCE INVESTIGATION.—Rule 32(c) of  
22 the Federal Rules of Criminal Procedure is amended—

23 (1) in paragraph (1)(B), by striking “requires”  
24 and inserting “permits”; and

25 (2) by adding at the end the following:

1           “(3) VICTIM INFORMATION.—The probation of-  
2        ficer shall determine whether any victim wishes to  
3        provide information for the presentence report.”.

4           (b) PRESENTENCE REPORT.—Rule 32 of the Federal  
5        Rules of Criminal Procedure is amended—

6           (1) in subdivision (d)—

7           (A) in paragraph (2)—  
8           (i) in subparagraph (E), by striking  
9           “and” at the end;

10           (ii) by redesignating subparagraph  
11           (F) as subparagraph (G); and  
12           (iii) by inserting after subparagraph  
13           (E) the following:

14           “(F) a description of the impact of the  
15        crime on the victim; and”; and

16           (B) in paragraph (3)(C), by inserting “,  
17        the victim,” after “the defendant”;

18           (2) in subdivision (e)(2)—

19           (A) by striking “The probation officer”  
20        and inserting the following:

21           “(A) IN GENERAL.—The probation offi-  
22        cer”; and

23           (B) by adding at the end the following:

24           “(B) VICTIMS.—The probation officer  
25        must give the presentence report to the victim

1           and any attorney for such victim at least 35  
2           days before sentencing, unless the court, after  
3           receiving an objection from the defendant, the  
4           attorney for the government, or another victim,  
5           finds that disclosure of a portion of the report  
6           would be an unwarranted invasion of personal  
7           privacy and not in the interest of justice, in  
8           which case such portions shall be redacted.”;  
9           and

10           (3) in subdivision (f)(1), by adding at the end  
11           the following: “The attorney for the government or  
12           for the victim shall raise for the victim any reason-  
13           able objection by the victim to the presentence re-  
14           port.”.

15           (c) DEPARTURES.—Rule 32(h) of the Federal Rules  
16           of Criminal Procedure is amended by—

17           (1) striking “or in a party’s prehearing submis-  
18           sion” and inserting “, in a party’s prehearing sub-  
19           mission, or in a victim impact statement”; and

20           (2) adding at the end the following “The attor-  
21           ney for the government or the victim shall advise de-  
22           fense counsel and the court of any ground identified  
23           by the victim that might reasonably serve as a basis  
24           for departure.”.

1       (d) SENTENCING.—Rule 32(i) of the Federal Rules  
2 of Criminal Procedure is amended—

3               (1) in paragraph (1)(C), by inserting after  
4       “parties’ attorneys” the following: “and any victim”;

5               (2) in paragraph (1)(D), by inserting after  
6       “allow a party” the following: “or a victim”;

7               (3) in paragraph (2), in the first sentence, by  
8       inserting after “permit the parties” the following:  
9       “or the victim”; and

10               (4) by amending subparagraph (B) of para-  
11       graph (4) to read as follows:

12               “(B) BY A VICTIM.—Before imposing sen-  
13       tence, the court must address any victim of the  
14       crime who is present at sentencing and must  
15       permit the victim to speak or submit any infor-  
16       mation about the sentence.”.

17       (e) DEFINITIONS.—Rule 32 of the Federal Rules of  
18       Criminal Procedure is amended by—

19               (1) striking subdivision (a);

20               (2) redesignating subdivisions (b) through (k)  
21       as subdivisions (a) through (j) respectively;

22       (f) CONFORMING AMENDMENTS.—

23               (1) RULE 26.—Rule 26.2(g)(2) of the Federal  
24       Rules of Criminal Procedure is amended by striking  
25       “Rule 32(i)(2)” and inserting “Rule 32(h)(2)”.

4 (A) in paragraph (1)(B), by striking “Rule  
5 32(d)(3)” and inserting “Rule 32(c)(3)”; and

6 (B) in paragraph (4)(C), by striking “Rule  
7 32(i)(4)” and inserting “Rule 32(h)(4)”.

18 (6) CHILDREN.—Section 3509(f) of title 18,  
19 United States Code, is amended by striking “Rule  
20 32(c)” and inserting “Rule 32(b)”

(7) PRESENTENCE REPORTS.—Section 3552 of title 18, United States Code, is amended—

23 (A) in subsection (a), by striking “Rule  
24 32(c)” and inserting “Rule 32(b)”; and

25 (B) in subsection (d) —

1 (i) by striking “The court shall assure  
2 that” and inserting the following:

3                   “(1) IN GENERAL.—The court shall assure  
4                   that”; and

5 (ii) by adding at the end the fol-  
6 lowing:

7       “(2) CRIME VICTIMS.—The court shall assure  
8       that, not later than 10 days before the date of sen-  
9       tencing, the report filed under this section is dis-  
10      closed to any crime victim (as that term is defined  
11      in section 3771(e)) and any attorney for such crime  
12      victim, except any portion of such report excised by  
13      the court for compelling reasons or made confiden-  
14      tial by law. If the court excises any portion of the  
15      presentence report, it shall inform the parties and  
16      the victim of its decision and shall state on the  
17      record the reasons for the excision.”.

18 (8) PROBATION.—Section 3664(c) of title 18,  
19 United States Code, is amended by striking “Rule  
20 32(c)” and inserting “Rule 32(b)”.

21 SEC. 20. REVOKING OR MODIFYING PROBATION OR SUPER-  
22 VISED RELEASE.

23 Rule 32.1 of the Federal Rules of Criminal Procedure  
24 is amended—

25 (1) in subdivision (a)—

6 (B) in paragraph (6), by striking “The  
7 magistrate” and inserting the following: “After  
8 considering the right of the victim to be reason-  
9 ably protected, the magistrate”; and

10 (2) in subdivision (b), by adding at the end the  
11 following:

12               “(3) CRIME VICTIMS.—The court shall make  
13               reasonable efforts to give notice to the victim before  
14               any revocation hearing.”.

## 15 SEC. 21. NEW TRIAL.

16 Rule 33(a) of the Federal Rules of Criminal Pro-  
17 dure is amended in the first sentence by inserting after  
18 “Upon the defendant’s motion” the following: “and after  
19 making reasonable efforts to give notice to the victim and  
20 an opportunity for the victim to be heard”.

## 21 SEC. 22. ARRESTING JUDGMENT.

22 Rule 34(a) of the Federal Rules of Criminal Pro-  
23 dure is amended in the matter preceding paragraph (1),  
24 by inserting after “must arrest judgment” the following:

1   “, after making reasonable efforts to give notice to the  
2   victim and an opportunity to be heard.”.

3   **SEC. 23. CORRECTING OR REDUCING A SENTENCE.**

4       Rule 35 of the Federal Rules of Criminal Procedure  
5   is amended—

6           (1) in subdivision (a), by inserting after “the  
7       court” the following: “, after making reasonable ef-  
8       forts to give notice to the victim and an opportunity  
9       to be heard,”; and

10          (2) in subdivision (b), by inserting “, after  
11       making reasonable efforts to give notice to the vic-  
12       tim and an opportunity to be heard,” after “may re-  
13       duce a sentence” each place the term appears.

14   **SEC. 24. CLERICAL ERROR.**

15       Rule 36 of the Federal Rules of Criminal Procedure  
16   is amended by inserting after “it considers appropriate,”  
17   the following: “including making reasonable efforts to give  
18   notice to the victim.”.

19   **SEC. 25. STAYING A SENTENCE OR A DISABILITY.**

20       Rule 38(e)(1) of the Federal Rules of Criminal Proce-  
21       dure is amended by inserting before the period at the end  
22   the following: “, after making reasonable efforts to give  
23   notice to the victim and an opportunity to be heard”.

1 **SEC. 26. VICTIM'S PRESENCE.**

2 (a) IN GENERAL.—The Federal Rules of Criminal  
3 Procedure are amended by inserting after Rule 43 the fol-  
4 lowing:

5 **“Rule 43.1 Victim’s Presence**

6 “(a) VICTIM’S RIGHT TO ATTEND.—A victim has the  
7 right to attend any public court proceeding, unless the  
8 court, based on clear and convincing evidence, determines  
9 that testimony by the victim would be materially altered  
10 if the victim heard other testimony at that proceeding. Be-  
11 fore making any determination to exclude a victim, the  
12 court shall make every effort to permit the fullest attend-  
13 ance possible by the victim and shall consider reasonable  
14 alternatives to the exclusion of the victim from the crimi-  
15 nal proceeding. The reasons for any decision to exclude  
16 a victim shall be clearly stated on the record.

17 “(b) PROCEEDING WITH AND WITHOUT REASON-  
18 ABLE NOTICE.—

19 “(1) WITHOUT VICTIM.—The court may hold a  
20 public proceeding without the attendance of a victim  
21 if reasonable efforts have been made to give notice  
22 to that victim under Rule 10.1.

23 “(2) WITHOUT NOTICE.—The court may hold a  
24 public proceeding (other than a trial or sentencing)  
25 without proper notice to a victim only if—

26 “(A) doing so is in the interests of justice;

1                 “(B) the court makes reasonable efforts to  
2                 provide prompt notice to that victim of the  
3                 court’s action and of the victim’s right to seek  
4                 reconsideration of the action if a victim’s right  
5                 is affected; and

6                 “(C) the court makes reasonable efforts to  
7                 insure that notice will be properly provided to  
8                 that victim for all subsequent public pro-  
9                 ceedings.

10                 “(c) NUMEROUS VICTIMS.—If the court finds that  
11                 the number of victims makes it impracticable to afford all  
12                 of the victims the right to be present, the court shall fash-  
13                 ion a reasonable procedure to facilitate the attendance of  
14                 the victims.

15                 “(d) RIGHT TO BE HEARD ON VICTIM’S ISSUES.—  
16                 In addition to any right to be heard established elsewhere  
17                 under these rules, at any public proceeding at which a vic-  
18                 tim has the right to attend, the victim has the right to  
19                 be heard on any matter affecting the rights of a victim.”.

20                 (b) CONFORMING AMENDMENT.—The table of con-  
21                 tents for the Federal Rules of Criminal Procedure is  
22                 amended by inserting after the item relating to Rule 43  
23                 the following:

“43.1 Victim’s Presence.”

1 **SEC. 27. COUNSEL FOR VICTIMS.**

2        Rule 44 of the Federal Rules of Criminal Procedure  
3 is amended by adding at the end the following:

4        “(d) COUNSEL FOR VICTIMS.—When the interests of  
5 justice clearly require, the court may appoint counsel for  
6 a victim to assist the victim in exercising the rights of  
7 the victim under these rules or any other provision of Fed-  
8 eral law.”.

9 **SEC. 28. RIGHT TO BE HEARD.**

10      Rule 46 of the Federal Rules of Criminal Procedure  
11 is amended by adding at the end the following:

12      “(k) VICTIM’S RIGHT TO BE HEARD.—A victim has  
13 the right to be heard regarding any decision to release the  
14 defendant. The court shall consider the views of the victim  
15 and the right of the victim to be reasonably protected from  
16 the defendant in making any release decision, including  
17 such decisions in petty cases. In a case where the court  
18 finds that the number of victims makes it impracticable  
19 to afford all of the victims the right to be heard in open  
20 court, the court shall fashion a reasonable procedure to  
21 facilitate hearing from representative victims.”.

22 **SEC. 29. MOTIONS AND SUPPORTING AFFIDAVITS.**

23      Rule 47(b) of the Federal Rules of Criminal Proce-  
24 dure is amended by adding at the end the following: “In  
25 deciding whether to grant the government’s motion to dis-  
26 miss, the court shall consider the views of the victim.”.

1 **SEC. 30. SERVING AND FILING PAPERS.**

2        Rule 49(a) of the Federal Rules of Criminal Proce-  
3 dure is amended by inserting after “on every other party”  
4 the following: “, and on the victim or any counsel for a  
5 victim who has entered a notice of appearance,”.

6 **SEC. 31. PROMPT DISPOSITION.**

7        Rule 50 of the Federal Rules of Criminal Procedure  
8 is amended to read as follows:

9 **“Rule 50. Prompt Disposition**

10       “(a) SCHEDULING PREFERENCE.—Scheduling pref-  
11 erence shall be given to criminal proceedings as far as is  
12 practicable.

13       “(b) DEFENDANT’S RIGHT AGAINST DELAY.—The  
14 court shall assure that the right of the defendant to a  
15 speedy trial is protected, as provided by the Speedy Trial  
16 Act of 1974 (18 U.S.C. 3161 note).

17       “(c) VICTIM’S RIGHT AGAINST DELAY.—The court  
18 shall assure that the right of the victim to proceedings  
19 free from unreasonable delay is protected. The victim has  
20 the right to be heard regarding any motion to continue  
21 any proceeding. If the court grants a motion to continue  
22 over the objection of the victim, the court shall state its  
23 reasons in writing.”.

24 **SEC. 32. PRESERVING CLAIMED ERROR.**

25       Rule 51(b) of the Federal Rules of Criminal Proce-  
26 dure is amended—

## 5 SEC. 33. DIRECTION TO SENTENCING COMMISSION.

6 The United States Sentencing Commission is directed  
7 to make appropriate amendments to sentencing guidelines,  
8 policy statements, and official commentary to ensure that  
9 crime victims have meaningful participation in the sen-  
10 tencing process.

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